

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RYDEX, LTD.,

Plaintiff;

vs.

MASTERCARD, INC. and VISA, INC.,

Defendants

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Cause No: 4:10-cv-267

JURY TRIAL DEMANDED

JOINT MOTION TO RESCHEDULE CASE MANAGEMENT CONFERENCE

Plaintiff Rydex (“Rydex”) and Defendants MasterCard, Inc. (“MasterCard”), Visa, Inc. (“Visa”), American Express Company (“American Express”) and Discovery Financial Services (“Discover”) file this Joint Motion To Reschedule Case Management Conference.

On July 15, 2010, Rydex and filed a Joint Motion to Cancel Initial Conference scheduled for August 20, 2010 (Docket No. 34) to allow for newly named defendants to answer the Amended Complaint. This Court granted that Motion (Docket No. 35), resetting the due date for the Case Management Plan for 11/22/2010, and setting the Initial Conference for 11/29/2010. This schedule would require that the parties’ meet and confer regarding proposed discovery plan by Monday, November 8, 2010.

Plaintiff Rydex and Defendant MasterCard, are in settlement discussions and request that the Case Management Conference be rescheduled for December 16, 2010, the next available hearing date to allow for additional time in which to complete discussions.

Dated: November 5, 2010

Respectfully submitted,

/s/ Michael Hawes
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 5th day of November, 2010 with a copy of this document via the Court's CM/ECF system per Local Rule LR 5.1. Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Michael Hawes